

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 79 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE R.BALIA.

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KANULAL KRISHNALAL TRIVEDI

Versus

KARANLAL KISHANLAL TRIVEDI

Appearance:

MR VC DESAI for Petitioner

RULE NOT RECD BACK for Respondent No. 1

MR SURESH M SHAH for Respondent No. 2, 3

CORAM : MR.JUSTICE R.BALIA.

Date of decision: 22/04/98

ORAL JUDGEMENT

Heard learned Counsel for the parties.

After passing the ad-interim order, it is apparent that the learned Judge has made a non-speaking order granting application for temporary injunction. It is expected of the Civil Court that while deciding the application for temporary injunction it reaches its

conclusion about existence of prima facie case, balance of convenience and whether it will cause irreparable injury if injunction prayed for is not granted. The order does not record trial Court's conclusion about any of these factors, which can show the process of reaching its conclusion.

The order cannot be sustained and, therefore, the same is set aside and the trial Court is directed to decide the application for temporary injunction afresh and in accordance with law, giving reasons for his conclusions. However, until the application is decided, the interim order passed by the trial Court shall continue in force. The appeal is allowed accordingly. There shall be no order as to costs.

sreeram.